

REMARKS

In the February 10, 2005 Office Action, the Examiner:

- Constructively elected claims 18-30 and 45.
- Objected to claim 29 due to informality;
- Objected to claim 20 as being of improper dependent form;
- Objected to claims 20, 24-25 and 27 under 35 U.S.C. 112, second paragraph, as being indefinite;
- Objected to claims 23-25 under and 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement; and
- Allowed claims 18-19, 21-22, 26, 28-30 and 45.

Applicants have amended claims 20, 21, 24, 27, 33, 37 and 44 to correct typographical errors. Claim 31 has been amended to address the Examiner's constructive election and subsequent withdrawal of claims 31-44.

Withdrawal

The Examiner states that newly submitted claims 31-44 are directed to an invention that is independent or distinct from the invention originally claimed, as the originally presented invention relates to a species wherein the first micromechanical mirror is convex and the second micromechanical mirror is concave, whereas the newly submitted invention, including claims 31-44, relates to a species wherein the first micromechanical mirror is concave and the second micromechanical mirror is convex.

This set of claims contains two independent claims, namely claims 31 and 44. Applicants have amended independent claims 31, 33 and 44 to clarify that the first micromechanical mirror is convex and the second micromechanical mirror is concave. In other words, the shape of the mirrors corresponds to the recited shape in claims 18- 30. Independent claims 31 and 44 contain many of the same patentable features of independent claims 18 and 45, both of which the Examiner has allowed. In light of these amendments, it is respectfully requested that the Examiner reconsider his constructive election and allow all pending claims 18-45.

Claim Objections

Claim 29 is objected to due to an informality in line 1, namely the inclusion of "a" between "said" and "first." This typographical error has been corrected.

Claim 20 is objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claims. Claim 20 has been amended to correct a typographical error and now correctly limits the subject matter of claim 18. Accordingly, this objection has been addressed.

Claim Rejections - 35 U.S.C. § 112

Claims 20, 24-25 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner states that claim 20 is indefinite in that the feature "wherein ... optical surface" recited in claim 20, lines 1-4, is inconsistent with its parent claim 18. As described above, claim 20 has been amended to correct a typographical error. Accordingly, this objection has been addressed.

With regard to claim 24, the Examiner states that there is insufficient antecedent basis for the limitation "said mirror curvature compensation optics" in lines 1-2 of this claim. The Examiner is thanked for correctly suggesting that this claim should depend from claim 23. Amended claim 24 now depends from claim 23, thereby addressing this objection.

With regard to claim 27, the Examiner states that there is insufficient antecedent basis for the limitation "said light source" in lines 1-2 of this claim. Amended claim 27 now depends from claim 24, thereby addressing this objection.

The Examiner has also rejected claims 23, 24 and 25 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Examiner states that:

the recitation of "mirror curvature compensation optics configured to compensate for at least one of said first radius of curvature value and said second radius of curvature value" in claim 23 is inconsistent with the teaching in the specification. The present application, page 20, lines 4-10, discloses that a convex mirror immediately following a concave mirror with the same absolute radius of curvature can be used to cancel the effect of mirror

curvature without the inclusion of mirror curvature compensation optics.

The Examiner's attention is directed to paragraph 28 of published U.S. Patent Application No. 200410021923 A1, which states that "the laser beam 22 is processed by mirror curvature compensation optics 48," which "operates to compensate for mirror curvature features that would otherwise degrade optical performance . . ." In other words, the claimed mirror curvature compensation optics compensate for mirror curvature features, such as the first radius of curvature value and/or the second radius of curvature value, that would otherwise degrade optical performance.

The Examiner further states that:

Furthermore, nowhere in the original disclosure is there a support for the claimed invention having the combination of a first convex mirror, a second concave mirror and a mirror curvature compensation optics.

The Examiner's attention is directed to Figures 2 and 3 and paragraphs 28-30 of published U.S. Patent Application No. 200410021923 A1, which clearly shows and describes the use of mirror curvature compensation optics 48 to compensate for mirror curvature features of a first mirror 30 and a second mirror 24. Imaging optics 60 may be used between the first mirror 30 and the second mirror 24, and output optics 52 may process the laser beam 22 before it is projects on a camera 54 or screen. Figure 4 shows the first mirror 30 in further detail, while Figure 7 shows the second mirror 24 in further detail. Also, as described in paragraph 81 a convex mirror immediately following a concave mirror with the same absolute radius of curvature (or a concave mirror followed by a convex mirror with the same absolute radius of curvature) may be used to cancel the effect of mirror curvature. Accordingly, it is respectfully submitted that claims 23, 24 and 25 are fully supported by the specification. In light of the above, it is respectfully requested that this rejection be withdrawn.

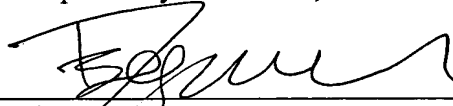
CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is now in a condition for allowance. However, should the Examiner believe that the claims are not in condition for allowance, the Applicant encourages the Examiner to call the undersigned attorney at 650-843-7519 to set up an interview.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 62262-0008-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

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